

point out and distinctly claim the invention, and rejected claims 1-8 under 35 U.S.C. §102(a) as being anticipated by Final Fantasy VIII ("FF8").

Rejections Under 35 U.S.C. §112, Second Paragraph

Regarding the §112, second paragraph rejection of claims 1-5, and 7-8 as being indefinite, Applicants have amended claims 1-5, 7-8 to more particularly define the claimed invention. Based upon these amendments, Applicants respectfully request the Examiner to withdraw the §112, second paragraph rejection of amended claims 1-5, and 7-8.

Rejections Under 35 U.S.C. §102(a)

Regarding the anticipation rejections of claims 1-5, and 7-8, Applicants respectfully submit that evidence provided by the Examiner is insufficient to properly maintain a rejection under 35 U.S.C. §102(a). The material which the Examiner relies on to establish the release date of the FF8 game appears merely to be a printout of a website entitled "Final Fantasy VIII Online" which is an "unofficial" guide to Final Fantasy" (upper left hand corner of printout). Applicants submit this material is insufficient to prove that FF8 was known or used by others in the United States on the date of September 9, 1999, alleged by the Examiner to be the release date thereof, since unofficial online publications cannot be considered an authoritative evidentiary source. Furthermore, such date as appears in the website, may be spurious or erroneous, or otherwise lack any probative value in establishing a date for purposes of §102(a). Applicants therefore respectfully request the Examiner either provide competent evidence based on an authoritative source proving that the claimed invention

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

was known or used by others in this country prior to the application's priority date, or alternatively supply a personal affidavit attesting to the same, or else withdraw this ground of rejection.

Applicants note that the Office Action states the Examiner relies on personal knowledge of the FF8 game to assert the disclosure of the claimed elements and provides documentary support in the form an Owner's Manual. As stated above, Applicants submit the Owner's Manual is insufficient to maintain a 102(a) rejection, and therefore request that the Examiner to provide an affidavit attesting to his personal knowledge regarding the alleged disclosures of the FF8 game software.

Without admitting that the Examiner has a valid legal basis to propound a § 102(a) rejection based on FF8, Applicants will respond to the anticipation rejection to advance prosecution in a timely manner.

Applicants respectfully traverse the §102(a) rejections of claims 1-5, and 7-8 because the Examiner failed to establish a *prima facie* case of anticipation under §102(a). In order to properly anticipate Applicants' claimed invention under 35 U.S.C. §102(a), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. §2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131 (8th ed. 2001), p. 2100-69.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

With respect to claims 1 and 7, the FF8 Owner's Manual (OM) discloses a video game wherein a player may assume the role of one or more characters set in a storyline. The player advances the storyline by traversing through a virtual world (page 12, OM), acquires and modifies weapons (page 13, OM), utilizes magic (page 15, OM), and engages in battles (page 20, OM). The FF8 Owner's Manual further discloses a battle screen displaying various characters in battle and providing information regarding the battle (page 20).

Conversely, FF8 Owner's Manual fails to disclose, as recited in claims 1 and 7, at least means or method for at least "[displaying] a first action scene between a first player character and a first enemy character and a second action scene between a second player character and a second enemy character based on a predetermined camera angle to project said first player character and said first enemy character related to a predetermined command which is given to said first player character by a player, further wherein said predetermined command is unrelated to said second player character." (emphasis added).

Accordingly, Applicants respectfully request the Examiner to withdraw the § 102(a) rejections of claims 1 and 7. Claims 2-5 depend from claim 1 and are allowable for at least the same reasons provided above for allowable claim 1. Claim 8 recites similar recitations to claim 1 and is allowable for at least the reasons provided above for allowable claim 1.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

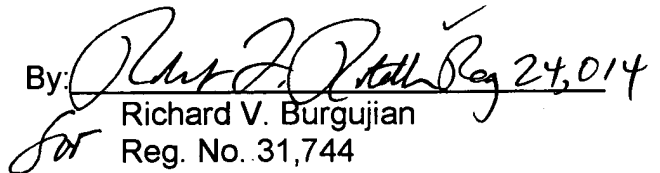
1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 21, 2003

By:  Reg. No. 24,014
for Richard V. Burgujian
Reg. No. 31,744

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

APPENDIX

1. (Amended) A game device for displaying a game screen which expresses a virtual three-dimensional space, wherein said game device displays [the]a first action scene between [the]a first player character and [the]a first enemy character and [the]a second action scene between [the]a second player character and [the]a second enemy character based on [the]a predetermined camera angle to project said first player character and said first enemy character related to [the]a predetermined command which is given to said first player character by [the]a player, and further, wherein said predetermined command is unrelated to said second player character.

2. (Amended) A game device according to claim 1, wherein said predetermined command is [the]an attacking command for said first player character attacking said first enemy character.

3. (Amended) A game device according to claim 2 which displays at least one [said]enemy character around at least one [said]player character before it displays [said] at least one action scene.

4. (Amended) A game device according to claim 1 [which changes the]wherein an attribute value of at least one said first player character [and/or] and said first enemy character is changed based on said predetermined command[s].

5. (Amended) A game device according to claim 4, wherein said first action scene displays [the]a damage [of] to at least one of said [player] first player character [and/or]and said first enemy character based on the attribute value that changes in accordance with said predetermined command[s].

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

7. (Amended) A game processing method [of]for a game device for displaying a game screen which expresses a virtual three-dimensional space, wherein said game processing method displays [the]a first action scene between [the]a first player character and [the]a first enemy character and [the]a second action scene between [the]a second player character and [the]a second enemy character based on [the]a predetermined camera angle to project said first player character and said first enemy character related to [the]a predetermined command which is given to said first player character by [the]a player, and further, wherein said predetermined command is unrelated to said second player character.

8. (Amended) A recording medium having a program recorded thereon for [making]causing a game device [realize]execute predetermined functions, wherein said program [stores]comprises the functions of: receiving a predetermined command from [the]a player; deciding [the]a camera angle to project [the]a first enemy character related to [said]a first player character and said predetermined command; and displaying [the]a first action scene between the first player character and the first enemy character and [the]a second action scene between [the]a second player character and [the]a second enemy character based on [the]a predetermined camera angle to project said first player character and said first enemy character related to the predetermined command which is given to said first player character by the player, and further, wherein said predetermined command is unrelated to said second player character.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com